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REMARKS

Claims 10, 13-15 and 19 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Creighton et al. '061 in view of Akzo '867. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

Creighton et al. '061 discloses the deposition of a thermosetting powder on a thermosetting liquid where the liquid has a higher rate of cure than that of the powder. As recognized by the Examiner, this reference is silent on the matter of applying the first thermosetting resin in a powder or particulate form. However, the Examiner asserts that "in the absence of any unexpected results", it would have been well within the purview of one of ordinary skill in the art at the time the invention was made to apply the first resin taught by Creighton et al. '061 in a powder form (i.e., instead of a liquid form). The Examiner supports this assertion on the ground that it was well known and conventional in the art to apply the resin in either form. The Applicant respectfully requests the Examiner to enter an Affidavit into the record of this case supporting the Examiner's assertion that this is well known and conventional in the art.

It is submitted that the Examiner's assertion cannot be justified in the context of what is specifically taught by Creighton et al. '061. Whether or not, in the general context, it would have been within the purview of the skilled person to use a powder resin instead of a liquid resin, is not the issue here. The issue here is whether it would have been obvious to the skilled person to replace the liquid resin by a powder in the context of what is specifically taught and suggested by Creighton et al. '061.

Creighton et al. '061 teaches (see especially, column 4, lines 42-50) application of the liquid resin as a coating to both sides of a carrier material by dipping, spraying, rolling or brushing. Any solvent used is then allowed to evaporate (applying heat, if necessary) to leave a tacky deposit of uncured thermosettable resin composition. It is onto this tacky coating that the solid particulate resin composition is deposited. Moreover, Creighton et al. '061 sets forth a preferred method of the invention as involving a first thermosettable resin composition which

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has "sufficient tack, if necessary after evaporation of a solvent therefrom, to cause the solid particles of the second resin composition to adhere thereto when they are contacted with it" (column 2, lines 15-20). Furthermore, according to Creighton et al. '061, Examples 1 to 3 each explicitly refer to the provision of tacky residue to the first coating (column 6, lines 3, 27, 40). This opportunity is taken to point out that although Creighton et al. '061 states (column 2, lines 63-65) that it is "not generally necessary" for the first liquid thermosettable resin composition to include "known tackifiers", that statement in the context of the Creighton et al. '061 teaching as whole, is to be understood as meaning that use of a tackifier may not be required to achieve tackiness, not that tackiness is not required. This is clear from the associated description of the method using the composition (see column 4, lines 41-56, for example).

Thus, the teaching of Creighton et al. '061 is directed strongly towards providing a first coating that exhibits tackiness as an adherent base for the particulate second coating. It is submitted that this teaches away from the possibility of replacing the Creighton et al. '061 liquid coating with a powder coating. The powder coating would obviously not have a suitable tackiness that is required of the first coating according to the teaching of Creighton et al. '061. Thus, it would not be obvious to replace the Creighton et al. '061 liquid coating by a powder coating, simply because a powder coating would not, on the face of it, fulfill the specific requirement (tackiness) Creighton et al. '061 identifies the first coating to possess.

Tackiness of a powder coating can be obtained, however, by heating the powder so that it coalesces. But once the powder coalesces, it is no longer in powder form. Accordingly, if, against the fundamental weight of teaching of Creighton et al. '061, the first liquid coating were to be replaced by a first powder coating, the only way in which the requirement for tackiness could be obtained would be to heat the first powder coating, before the second coating was deposited. However, heating the powder to coalesce it before deposition of the second coating, would not meet the requirement of independent claims 10 which currently recite that "the powder of the second layer being deposited on the powder of the first layer" nor independent

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claim 23 which currently recites "applying heat to the first and second successive layers only following deposit of the second successive layer on the powder of the first successive layer while the two layers are both in the powder form".

Under the circumstances, therefore, it is respectfully submitted that it would not have been obvious, within the meaning of 35 U.S.C. § 103, to replace the Creighton et al. '061 liquid coating with a powder coating as alleged by the Examiner. Furthermore, even if in spite of this, the replacement were to have been made keeping otherwise to what is taught by Creighton et al. '061, it would not have resulted in the method according to claims 10 and 23; the first layer would no longer be powder when the second layer is deposited. Indeed, in order to produce the method of claims 10 and 23 from what is taught by Creighton et al. '061, there would have to be mutilation of the Creighton et al. '061 method departing from the specific teachings and disclosure of that citation.

Moreover, there are "unexpected results" from the invention as defined by claims 10 and 23. More especially, there are significant advantages arising from the powder-upon-powder method using powders of different rate of cure. There are significant advantages in using the powder-upon-powder technique of the present invention recited in claims 10 and 23, more especially since it enables: (1) the intermingling of the powders of the two layers to improve the bond between them in the final product (page 4, lines 7-12); (2) the avoidance of run and orange-peel imperfections (page 5, lines 5-24); and (3) the economy of use of a one-oven production line (page 5, lines 6-17). This latter advantage is of great importance economically, since the two layers can be deposited one after the other without the need for any intermediate step. The substrate enters the powder-depositing station to have both layers deposited on it one upon the other in the one pass through that station, and then enters the oven for curing of the first layer and partial curing of the second, similarly in one pass through the oven. A continuous production line can, therefore, be easily set up without the need to duplicate the powder-deposition station or the oven, so as to give maximum economy in capital cost, space

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requirement, running costs and maintenance; this is not achievable with the method of Creighton et al. '061.

Turning now to Akzo '867, although this reference does leave open the possibility that the second powder-coating layer is applied before the first powder-coating layer has been cured (column 4, lines 25-27), there is no suggestion that the powders used have *different cure rates*. Indeed, the emphasis of Akzo '867 is that the *two coating layers cure together*; note the specific requirement of amended claims 10 and 23 of the present application that the first layer cures *before* the second. Nonetheless, as argued above, it would not be obvious to replace the Creighton et al. '061 first liquid coating with a powder coating and, accordingly, it is respectfully submitted that there is nothing taught by Akzo '867 that would render the presently claimed invention obvious in view of Creighton et al. '061.

Moreover, it is submitted that it would require invention to consider the Akzo '867 teaching when faced with the problem that Creighton et al. '061 seeks to overcome. The Akzo '867 teaching relates to "two-layer coating systems for wheels and architectural application" (see the title and description) and expressed as "[a] multilayer coating system comprising at least (a) a first layer and (b) a second metallized coating layer" where the second layer contains "a mica pigment" (see claim 1) does not have any obvious application to the Creighton et al. '061 object of providing a film adhesive.

Independent claims 10 and 23 now recite the features of "two different thermosetting materials are laid down in powder form as two successive layers one upon the other on a substrate, the powder of the first of the two layers laid down having a higher rate of cure than the powder of the second layer laid down". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art of Creighton et al. '061 and/or Akzo '867.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, independent claim 10 of this application now recite the features of "applied only following deposit of the powder of the second layer on the powder of the first

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layer". Such claimed features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art. It is a feature of what is taught by Creighton et al. '061 that heat is applied to the first, liquid coating for drying or solvent evaporation before the particulate coating is deposited.

In all the above circumstances, it is submitted that independent claims 10 and 23, and its dependent claims 13-15 and 19-22, 24 and 25, are each patentable over Creighton et al. '061 in view of Akzo '867 under 35 U.S.C. § 103.

Next, claims 20 and 23 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Creighton et al. '061, Akzo '867 and Wallace '005, while claims 21, 22, 24 and 25 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Creighton et al. '061, Akzo '867 and Sano et al. '036. The Applicant acknowledges and respectfully traverses these additional raised obviousness rejections in view of the following remarks.

The Applicant acknowledges that the additional references of Wallace '005 and Sano et al. '036 may arguable related to the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference with this additional art still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Creighton et al. '061, Akzo '867 and/or Sano et al. '036. references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case

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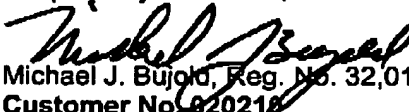
law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.


In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 0-1-0213).

Respectfully submitted,


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